IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 198 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

HASMUKHBHAI KALIDAS PATEL

Versus

AHMEDABAD COMMODITIES EXCHANGELTD.

Appearance:

MR DD VYAS with MR BG JANI for Petitioner No. 1

MR BN PATEL for Respondent No. 1

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 26/02/2002

ORAL JUDGEMENT

Rule. Mr. B.N. Patel waives service of rule on behalf of the respondent. By consent, the revision application is taken up for hearing immediately. The learned counsel for the petitioner states that proper

power of attorney will be produced before the Appellate Bench. The learned counsel for the respondent states that the respondent has no objection. There was a delay of 51 days in filing the appeal. In the facts and circumstances of the case, the delay in filing the appeal is condoned. The Revision Application is allowed and the impugned order is set aside. The Appellate Bench shall hear the appeal on merits without being influenced by any observations made in the impugned order. The Appellate Bench shall also decide the application for stay of execution of the decree and till then, stay of execution of the decree for possession shall continue. The Appellate Bench may accord due priority to the hearing and disposal of the appeal. Rule made absolute accordingly.

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